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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 JOSEPH COOPER,

7 Plaintiff,

8 v.

9 CAESARS ENTERTAINMENT CENTER,

10 Defendant.

Case No. 2:19-cv-02232-APG-DJA

11 **ORDER**

12 This matter is before the Court on Plaintiff's Second Motion/Application to Proceed In  
13 Forma Pauperis (#6), filed on March 5, 2020. The Court previously denied Plaintiff's First  
14 Motion/Application to Proceed In Forma Pauperis (#1) for being incomplete. (ECF No. 5). The  
15 Court will now review Plaintiff's Second Motion/Application to Proceed In Forma Pauperis (#6).

16 **I. In Forma Pauperis Application**

17 Plaintiff filed the affidavit required by § 1915(a). (ECF No. 6). Plaintiff has shown an  
18 inability to prepay fees and costs or give security for them. Accordingly, the request to proceed *in*  
19 *forma pauperis* will be granted pursuant to 28 U.S.C. § 1915(a). The Clerk's Office is further  
20 **INSTRUCTED** to file the complaint (ECF No. 1-1) on the docket. The Court will now review  
21 Plaintiff's complaint.

22 **II. Screening the Complaint**

23 Upon granting an application to proceed *in forma pauperis*, courts additionally screen the  
24 complaint pursuant to § 1915(e). Federal courts are given the authority to dismiss a case if the  
25 action is legally "frivolous or malicious," fails to state a claim upon which relief may be granted,  
26 or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).  
27 When a court dismisses a complaint under § 1915, the plaintiff should be given leave to amend the  
28 complaint with directions as to curing its deficiencies, unless it is clear from the face of the

1 complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70  
2 F.3d 1103, 1106 (9th Cir. 1995).

3 Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint  
4 for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is  
5 essentially a ruling on a question of law. *See Chappel v. Lab. Corp. of Am.*, 232 F.3d 719, 723 (9th  
6 Cir. 2000). A properly pled complaint must provide a short and plain statement of the claim  
7 showing that the pleader is entitled to relief. Fed.R.Civ.P. 8(a)(2); *Bell Atlantic Corp. v. Twombly*,  
8 550 U.S. 544, 555 (2007). Although Rule 8 does not require detailed factual allegations, it demands  
9 “more than labels and conclusions” or a “formulaic recitation of the elements of a cause of action.”  
10 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)).  
11 The court must accept as true all well-pled factual allegations contained in the complaint, but the  
12 same requirement does not apply to legal conclusions. *Iqbal*, 556 U.S. at 679. Mere recitals of the  
13 elements of a cause of action, supported only by conclusory allegations, do not suffice. *Id.* at 678.  
14 Secondly, where the claims in the complaint have not crossed the line from conceivable to  
15 plausible, the complaint should be dismissed. *Twombly*, 550 U.S. at 570. Allegations of a *pro se*  
16 complaint are held to less stringent standards than formal pleadings drafted by lawyers. *Hebbe v.*  
17 *Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (finding that liberal construction of *pro se* pleadings  
18 is required after *Twombly* and *Iqbal*).

19 In this case, Plaintiff attempts to bring claims under the Cherokee Constitution rather than  
20 the United States Constitution or any other federal law. He appears to allege that he was subject  
21 to harassment and complained to the EEOC. However, due to the paucity of allegations in the  
22 Complaint, the Court is unable to determine whether he has raised a claim that invokes the  
23 jurisdiction of this Court. Although it is not clear that the deficiencies identified can be cured, the  
24 Court will allow Plaintiff an opportunity to file an amended complaint to the extent he believes  
25 that he can state a claim.

### 26 **III. Conclusion**

27 Accordingly, **IT IS ORDERED** that:  
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